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BY ECF

Honorable Ronnie Abrams
United States District Judge
United States District Court
Southern District of New York
40 Foley Square, Rm 1506
New York, New York 10007

Re: Ardiana Shkoza v. New York City Health and Hospitals Corporation
Docket No. 20-CV-3646 (RA)(SLC)

Dear Judge Abrams:

I am an Assistant Corporation Counsel in the office of Georgia M. Pestana, Corporation Counsel of the City of New York, attorney for Defendant New York City Health and Hospitals (“H+H”) in the above-referenced action. I write to respectfully request that Defendant’s response to the SDNY Pilot Discovery Protocols, erroneously filed with the Court (see Docket Entry No. 38, attachments 1 through 6), be removed from the docket sheet.

Under the Federal Rules of Civil Procedure, disclosures pursuant to Rule 26(a)(1) should not be filed unless they are used in the proceeding or unless the court orders filing. See FRCP 5(d)(1)(A). While the Discovery Protocols supersede the parties’ obligation under the Federal Rules of Civil Procedure, pursuant to the Court’s Second Amended Administrative Standing Order M10-468, the documents and information produced under the Discovery Protocols are still deemed part of discovery under the Federal Rules of Civil Procedure. Here, the Defendant’s Pilot Protocol responses are not being used in connection with a filed motion or other matter pending before the Court, and the Court did not request that they be electronically filed. Accordingly, the SDNY Pilot Protocols were erroneously filed and should be removed from the docket sheet. Defendant contacted Plaintiff, who consents to this request.

I thank the Court for its consideration of this matter.

Application granted.

By separate order the Court will direct the Clerk of Court to strike Docket No. 38 from the public docket sheet.

SO ORDERED.

Hon. Ronnie Abrams
12/28/2021

Respectfully Submitted,

/s/ Talysia Francis
Talysia Francis
Assistant Corporation Counsel

cc: Ardiana Shkoza (Via First Class Mail and Email)
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